

Introduced by Senator Liu

February 17, 2010

An act to amend Section 4000 of, to add Sections 4101.5, 4102.2, 4102.4, and 4102.6 to, and to repeal and add Sections 4101 and 4102 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1102, as introduced, Liu. Elections: vote by mail.

Existing law allows a local, special, or consolidated election to be conducted wholly by mail if specified conditions are satisfied, including that the governing body of the local agency authorizes the use of mailed ballots for the election. Existing law establishes certain procedures for the conduct of all-mail ballot elections.

This bill would, in addition, allow a special general or primary election called to fill a vacancy in an office of Representative in Congress, State Senate, or Member of the Assembly to be conducted wholly by mail within a county if certain conditions are satisfied, including that the board of supervisors of the county authorizes the all-mail ballot election. The bill would revise and recast the procedures applicable to elections conducted wholly by mail, including procedures relating to notifying voters of information relating to the election, the distribution of election materials, and the establishment of locations for the return of ballots.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4000 of the Elections Code is amended
2 to read:

1 4000. (a) A local, special, or consolidated election may be
2 conducted wholly by mail—~~provided that~~ *if* all of the following
3 conditions—~~apply~~ *are satisfied*:

4 ~~(a)~~

5 (1) The governing body of the local agency authorizes the use
6 of mailed ballots for the election.

7 ~~(b)~~

8 (2) The election is held on an established mailed ballot election
9 date pursuant to Section 1500.

10 ~~(c)~~

11 (3) The election is one of the following:

12 ~~(1)~~

13 (A) An election in which no more than 1,000 registered voters
14 are eligible to participate.

15 ~~(2) An election on a measure or measures restricted to (A) the~~
16 ~~imposition of special taxes, or (B) expenditure limitation overrides,~~
17 ~~or (C) both (A) and (B), in~~

18 (B) *In a city, county, or special district with 5,000 or less fewer*
19 *registered voters calculated as of the time of the last report of*
20 *registration by the county elections official to the Secretary of*
21 *State, an election on a measure or measures restricted to one or*
22 *both of the following:*

23 (i) *The imposition of special taxes.*

24 ~~(3)~~

25 (ii) *Expenditure limitation overrides.*

26 (C) An election on the issuance of a general obligation water
27 bond in accordance with Section 12944.5 of the Water Code.

28 ~~(4)~~

29 (D) An election of the Directors of the Monterey Peninsula
30 Water Management District as authorized in Section 122 of Chapter
31 527 of the Statutes of 1977, known as the Monterey Peninsula
32 Water Management District Law.

33 ~~(5)~~

34 (E) An election of the Aliso Water Management Agency, or its
35 affected member agencies, pursuant to Sections 13416 and 13417
36 of the Water Code.

37 ~~(6)~~

38 (F) An election of the San Jacinto Mountain Area Water Study
39 Agency pursuant to Sections 13416 and 13417 of the Water Code.

40 ~~(7)~~

1 (G) An election of the San Lorenzo Valley Water District
2 pursuant to Sections 13416 and 13417 of the Water Code.

3 ~~(8)~~

4 (H) An election or assessment ballot proceeding required or
5 authorized by Article XIII C or XIII D of the California
6 Constitution. However, when an assessment ballot proceeding is
7 conducted by mail pursuant to this section, the following rules
8 apply:

9 ~~(A)~~

10 (i) The proceeding shall be denominated an “assessment ballot
11 proceeding” rather than an election.

12 ~~(B)~~

13 (ii) Ballots shall be denominated “assessment ballots.”

14 (b) *A special general or primary election called to fill a vacancy
15 in an office of Representative in Congress, State Senate, or Member
16 of the Assembly pursuant to Section 10703 may be conducted
17 wholly by mail within a county if all of the following conditions
18 are satisfied:*

19 (A) *The board of supervisors of the county adopts a resolution
20 at any time between the date the vacancy is declared and seven
21 days after the election is called authorizing the conduct of the
22 election wholly by mail. The county elections official shall notify
23 the Secretary of State of the county’s intent to conduct the election
24 wholly by mail pursuant to Chapter 2 (commencing with Section
25 4100).*

26 (B) *The district is wholly or partially located in the county
27 authorizing the all-mail ballot election.*

28 (C) *The special general or primary election is not scheduled to
29 be held on an established election date pursuant to Section 1000.*

30 (D) *The county is not covered by the preclearance requirements
31 of Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C.
32 Sec. 1973c).*

33 SEC. 2. Section 4101 of the Elections Code is repealed.

34 ~~4101. Notwithstanding Sections 13300 and 13303, the elections
35 official shall not commence to mail the combined sample ballot
36 and mail ballot prior to the 29th day before the election and shall
37 complete the mailing by the 10th day before the election.~~

38 SEC. 3. Section 4101 is added to the Elections Code, to read:

39 4101. Notwithstanding Sections 13300 and 13303, the elections
40 official shall mail a postcard notice, no more than 40 and no less

1 than 21 days prior to the election, to voters who are registered at
2 least 29 days before the election. The notice shall do all of the
3 following:

4 (a) Notify the voter that the election is being conducted by all
5 mail ballot.

6 (b) Indicate the last date ballots will be mailed to voters who
7 were registered at least 29 days before the election.

8 (c) Instruct the voter how to obtain a replacement ballot if the
9 first ballot is not received at least 15 days before the election.

10 SEC. 4. Section 4101.5 is added to the Elections Code, to read:

11 4101.5. In addition to the materials required to be sent pursuant
12 to Chapter 1 (commencing with Section 3000) of Division 3, the
13 elections official shall mail to each qualified voter of the
14 jurisdiction both of the following:

15 (a) A voter information pamphlet containing candidate
16 statements filed pursuant to Section 13307.5 of this code or Section
17 85601 of the Government Code, as applicable, and arguments,
18 analyses, and full texts of measures, if any.

19 (b) A notice listing the locations established for the return of
20 voted ballots, as required by Section 4102.2.

21 SEC. 5. Section 4102 of the Elections Code is repealed.

22 ~~4102. The elections official may include in the mailings set~~
23 ~~forth in Section 4101 a printed notice to the voters informing the~~
24 ~~voters that they may return the voted ballot by certified or~~
25 ~~registered mail.~~

26 SEC. 6. Section 4102 is added to the Elections Code, to read:

27 4102. The elections official may commence the mailing of
28 official ballots to voters starting 29 days before the election.

29 (a) The mailing of official ballots to eligible voters registered
30 by 29 days before the election shall be completed not less than 21
31 days before the election.

32 (b) The mailing of official ballots to eligible voters registered
33 by 15 days before the election shall be completed not less than 10
34 days before the election.

35 SEC. 7. Section 4102.2 is added to the Elections Code, to read:

36 4102.2. Locations for the return of voted ballots shall be
37 provided by the elections official conducting the election by mail
38 as follows:

39 (a) One location shall be provided for each 25,000 registered
40 voters, or portion thereof, in the jurisdiction after subtraction of

1 permanent vote by mail voters, including military and overseas
2 voters.

3 (b) Each location shall be open on election day from 7:00 a.m.
4 until 8:00 p.m. and may be open other days and times at the
5 discretion of the elections official.

6 (c) Each location shall be staffed by a minimum of two persons,
7 who shall complete the declaration as provided in Section 12321.

8 (d) In selecting the locations, the elections official shall give
9 preference and priority as follows:

10 (1) Facilities that are accessible to voters with disabilities.

11 (2) Schools, government buildings, halls, churches, community
12 rooms, conference rooms, and multipurpose facilities.

13 (3) Facilities with a minimum of 20 spaces reserved for voters
14 or, in lieu thereof, ample space to provide drive-through services.

15 (4) Facilities located near major thoroughfares.

16 SEC. 8. Section 4102.4 is added to the Elections Code, to read:

17 4102.4. (a) In addition to the notice provided for in subdivision
18 (b) of Section 4101.5, the elections official shall notify the public
19 of all of the following information concerning the mail ballot
20 election:

21 (1) Information regarding obtaining a replacement ballot in the
22 event a voter has spoiled his or her ballot.

23 (2) Information regarding returning vote by mail ballots,
24 including the provisions of Section 3017.

25 (3) The locations established for the return of voted ballots.

26 (4) The dates and times that the locations will be open.

27 (5) A telephone number that voters may use to obtain
28 information regarding the election, including all of the following
29 information:

30 (A) How to obtain a replacement ballot in the event a voter has
31 spoiled his or her ballot.

32 (B) How to obtain a provisional ballot in the event the voter has
33 lost or destroyed, or has never received, a ballot.

34 (C) How a voter who is ill, has a disability, is confined to a
35 medical facility or nursing home, or is otherwise unable to
36 personally appear may obtain or return his or her ballot, including
37 the provisions of Section 3021.

38 (b) The notice required pursuant to subdivision (a) shall be
39 provided by all of the following means:

1 (1) A general news release issued not later than 14 days prior
2 to the scheduled election.

3 (2) Publication not later than 14 days prior to the election in a
4 newspaper of general circulation published within the jurisdiction.

5 (3) Publication on the Internet Web site of the elections official
6 for at least 14 days prior to the election.

7 SEC. 9. Section 4102.6 is added to the Elections Code, to read:

8 4102.6. Any voter returning a voted ballot to a designated
9 location shall sign a roster with his or her signature and printed
10 name. If the voter has authorized a person to return his or her voted
11 ballot on his or her behalf pursuant to Section 3017 or 3021, the
12 person returning the voted ballot shall sign the roster with his or
13 her signature, printed name, the name of the voter for whom he or
14 she is returning the ballot, and his or her relationship to the voter.
15 Voted ballots shall be returned to the location sealed in the
16 identification envelope and signed by the voter, and shall be placed
17 in a ballot box, which shall remain sealed until delivered to the
18 elections official.